

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventors: Owen et al.

Appln. No.: 10/618,513

Confirm. No.: 6597

Filed: July 11, 2003

Title: FEDERATED MANAGEMENT OF CONTENT  
REPOSITORIES

PATENT APPLICATION

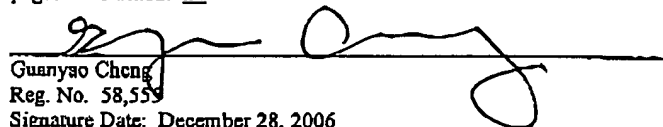
Art Unit: 2136

Examiner: Parthasarathy, Pramila

Customer No. 23910

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for Patents, the United States Patent and Trademark Office, Petitions Branch, Facsimile No. (571) 273-0025, on 12/28/2006. Total number of pages transmitted: 24

  
Guanyao Cheng

Reg. No. 58,559

Signature Date: December 28, 2006

FAX RECEIVED

DEC 28 2006

OFFICE OF PETITIONS

PETITION FOR WITHDRAWAL FROM ISSUANCE UNDER 37 C.F.R. § 1.313

MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant brings this petition under 37 C.F.R. § 1.313 to withdraw the above-identified patent application from issue so as to permit consideration of an Information Disclosure Statement. This petition is accompanied with a Request for Continued Examination Under 37 C.F.R. § 1.114 ("RCE") and an Information Disclosure Statement.

FACTS

The present application was filed on July 11, 2003.

The issue fee for this application was paid on December 20, 2005.

12/29/2006 CKHLOK 00000005 061325 10618513

01 FC:1464 130.00 DA

- 1 -

Attorney Docket No.: BEAS-01360US1

GCheng/BEAS/1360US1/1360US1.Pet.Withdraw.1.313.

### DISCUSSION

Applicant believes that Applicant has a duty to disclose the article entitled: "FARSITE: Federated, Available, and Reliable Storage for an Incompletely Trusted Environment," pages 1- 14 by Adya et al., to the United States Patent Office under Rule 56. However, 37 C.F.R. § 1.97 states that an Information Disclosure Statement must be filed no later than the payment of the issue fee (37 C.F.R. § 1.97(d)). Specifically, 37 C.F.R. § 1.97(i) states that an Information Disclosure Statement filed before the grant of a patent, but after the payment of the issue fee, "will be placed in the file, but will not be considered by the office."

The present application can be withdrawn from issue upon petition by the Applicant under 37 C.F.R. § 1.313. The rule states that any petition must include a showing of good and sufficient reasons why withdrawal of the application is necessary. Applicant asserts that withdrawal from issuance is necessary if the Examiner is to consider the above noted reference: "FARSITE: Federated, Available, and Reliable Storage for an Incompletely Trusted Environment." A Request for Continued Examination under 37 C.F.R. § 1.114 ("RCE") is filed concurrently with this petition, along with an Information Disclosure Statement.

### CONCLUSION

For the reasons discussed above, Applicant petitions the Commissioner to withdraw the present application from issuance so that Applicant can file a Request for Continued Examination under 37 C.F.R. § 1.114 along with an Information Disclosure.

The present petition requires a \$130.00 fee set forth in § 1.17(h) and the fee of \$790.00 pursuant to 37 C.F.R. § 1.17(e) for the filing of the Request for Continued Examination.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 12/28/06

By: 

Guanyao Cheng  
Reg. No. 58,555

FLIESLER MEYER LLP  
650 California Street, 14<sup>th</sup> Floor  
San Francisco, California 94108  
Telephone: (415) 362-3800

- 2 -

Attorney Docket No.: BEAS-01360US1  
GCheng/BEAS/1360US1/1360US1.Pct.Withdraw.1.313.